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 Counsel for the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:12-CV- 2126 JCM (RJJ)
)	
\$761,515.36 IN UNITED STATES CURRENCY,)	
)	
Defendant.)	

**THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND
 THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
 THE \$761,515.36 IN UNITED STATES CURRENCY
 (First Request)**

The United States of America (“United States”), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney; Ramon Desage (“Desage”), by and through his counsel, Richard A. Wright; and William Richardson (“Richardson”), by and through his counsel, David Z. Chesnoff, respectfully apply for an extension of time until and including February 19, 2013, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$761,515.36 in United States Currency. The Complaint is currently due December 17, 2012.

1 The grounds for this unopposed application are counsel for the United States, Desage, and
2 Richardson have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the attached
4 Memorandum of Points and Authorities.

5 DATED this 13th day of December, 2012.

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/DanielD.Hollingsworth
9 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement Of Facts

On or about July 6, 2012, the Internal Revenue Service, the Department of the United States Treasury in Las Vegas, Nevada (“IRS”) executed a civil seizure warrant on any and all funds held in Bank of Nevada Account Number xxxxxx4709 in the name of Ramon Desage, located at 2700 West Sahara Avenue, Las Vegas, Nevada 89102, seizing \$761,515.36.

On or about September 6, 2012, the IRS mailed the notice of administrative forfeiture by regular first class mail and certified return receipt requested to Ramon Desage (“Desage”) and William Richardson (“Richardson”).

On or about September 18, 2012, the IRS received claims from Desage and Richardson requesting a judicial action.

On December 12, 2012, Richard A. Wright, counsel for Desage, and David Z. Chesnoff, counsel for Richardson, agreed to the extension of time and authorized counsel for the United States to file this Unopposed Application with this Court.

II. ARGUMENT

This Court should grant this application for an extension of time to file the Civil Complaint For Forfeiture In Rem against the \$761,515.36 in United States Currency.

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims ... except that a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*.

18 U.S.C. § 983(a)(3)(A) (emphasis added); *United States v. 475 Martin Lane*, 545 F.3d 1134, 1146 (9th Cir. 2008) (holding “that 18 U.S.C. § 983(a)(3)(A) authorizes district courts to grant ex parte extensions of time in which to file a civil forfeiture complaint.”)

A district court has authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint For Forfeiture In Rem. On December 12, 2012, Desage’s counsel and Richardson’s counsel agreed to the extension of time and authorized counsel for the United States to file this Unopposed Application

1 with this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For
2 Forfeiture In Rem, this Court should extend the time.

3 This Unopposed Application is not submitted solely for the purpose of delay or for any other
4 improper purpose.

5 **II. Conclusion**

6 This Court should grant an extension of time until February 19, 2013, pursuant to § 983(a)(3)(A),
7 for the United States to file a Civil Complaint For Forfeiture In Rem against the \$761,515.36 in United
8 States Currency because counsel for the United States, Desage, and Richardson have agreed to the
9 extension of time.

10 DATED this 13th day of December, 2012.

11 Respectfully submitted,

12 DANIEL G. BOGDEN
13 United States Attorney

14 /s/DanielD.Hollingsworth
15 DANIEL D. HOLLINGSWORTH
16 Assistant United States Attorney

17
18 IT IS SO ORDERED:

19
20 
21 UNITED STATES DISTRICT JUDGE

22 DATED: December 21, 2012
23
24
25
26

PROOF OF SERVICE

I, Daniel D. Hollingsworth, certify that the following individuals were served **THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$761,515.36 IN UNITED STATES CURRENCY (First Request)** on December 13, 2013, by the below identified method of service:

Mail

Richard A. Wright
300 South Fourth Street, Suite #701
Las Vegas, Nevada 89101
Counsel for Ramon Desage

David Z. Chesnoff
520 South Fourth Street
Las Vegas, Nevada 89101
Counsel for William Richardson

/s/DanielD.Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS United States of America (b) County of Residence of First Listed Plaintiff <u>Clark</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) United States Attorney's Office, DANIEL D. HOLLINGSWORTH, AUSA, 333 Las Vegas Blvd. South, Suite 5000, Las Vegas, NV 89101		DEFENDANTS \$761,515.36 in United States Currency County of Residence of First Listed Defendant <u>Clark</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)											
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant. <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width:100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="width: 33%; vertical-align: top;"> PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3 </td> <td style="width: 33%; vertical-align: top;"> Incorporated or Principal Place of Business In This State Incorporated and Principal Place of Business In Another State Foreign Nation </td> </tr> </table>		Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated or Principal Place of Business In This State Incorporated and Principal Place of Business In Another State Foreign Nation							
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IV. NATURE OF SUIT (Place an "X" in One Box Only)													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">CONTRACT</th> <th style="width: 25%;">TORTS</th> <th style="width: 25%;">FORFEITURE/PENALTY</th> <th style="width: 25%;">BANKRUPTCY</th> <th style="width: 25%;">OTHER STATUTES</th> </tr> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. 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V. ORIGIN (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment													
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. 1345ff</u> Brief description of cause: <u>Asset Forfeiture seeking the forfeiture of the defendant property.</u>													
VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____													
DATE <u>December 13, 2012</u> SIGNATURE OF ATTORNEY OF RECORD <u>Daniel D. Hollingsworth</u>													
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____													